

Amendment filed April 14, 2011

Reply to OA dated January 19, 2011

REMARKS

Claims 1-5 and 8-14 are pending in this application, with 8-10 and 13 withdrawn from consideration. Claims 4 and 11 are canceled without prejudice or disclaimer, and claims 1-3, 5, 8-10 and 12-14 are amended herein. Upon entry of this amendment, claims 1-3, 5, 8-10 and 12-14 will be pending, with claims 8-10 and 13 withdrawn from consideration. The drawings are also amended.

Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Regarding the Amendment to the Drawings

The label “Fig. 3” was inadvertently omitted in the drawing amendment filed on May 20, 2010. The present amendment replaces the label “Fig. 3.”

Claims 1-5, 12, and 14 are objected to because of informalities. (Office action paragraph no. 3)

1) The Examiner states that in claim 1, the phrase “in a case that” should be deleted since species A is being examined.

This objection is respectfully traversed. Claim 1 is generic for the other species of the election requirement, and the withdrawn claims drawn to those species will be entitled to consideration if claim 1 is found allowable.

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2) The Examiner states that in claim 14, line 2, “a coil separating member” should be – the coil separating member--. Claim 14 has been amended accordingly.

3) In addition to the above amendments, the dependent claims have been amended in the preamble as follows, “embolus forming in-vivo indwelling [[coil]] device,” for proper antecedent basis from claim 1.

Claims 1-5, 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action paragraph no. 5)

1) The Examiner states that in claim 1, line 6, there is insufficient antecedent basis for “the dry stretch suppressing member.”

Reconsideration of the rejection is respectfully requested in view of the clarifying amendment to claim 1. This phrase in claim 1 has been amended as follows: “the [[dry]] stretch suppressing member is provided on the inner periphery of the coil main body, the stretch suppressing member, when dry,”

That is, the recited limitation is on the stretch suppressing member, measured when it is dry. Support for this amendment may be found, for example, at paragraphs [0039] and [0042] of the specification.

2) The Examiner states that in claim 3, line 2, there is insufficient basis for “the wire.”

Reconsideration of the rejection is respectfully requested in view of the clarifying amendment to claim 3. The clause at issue has been amended to introduce the wire, as follows: “wherein the ~~wire constituting~~ the coil main body has a diameter of 10 to 120 μm , and the coil

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main body is constituted of a wire that has a coil diameter of 100 to 500 µm, a coil length of 2 to 500 mm, [[and]] a number of turns of 1 to 100 per unit length (1 mm), and a diameter of 10 to 120 µm.

Claims 1, 2, 4, 5, 11, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez (US Pub. No. 2004/0098028). (Office action paragraph no. 7)

The rejection of claim 11 is moot in view of the cancellation of this claim without prejudice or disclaimer.

Reconsideration of the rejection of the pending claims is respectfully requested in view of the amendments to the claims. Claim 1 has been amended to incorporate the limitation of claim 4: “wherein the stretch suppressing member has a rod-like shape and is provided in the coil main body so as to pass through the coil main body and extend in the coil axial direction of the coil main body.” Claim 4 has accordingly been canceled without prejudice or disclaimer.

In the rejection, the Examiner cites the elements of Martinez as shown in Figs. 1 and 2, as follows:

<u>Martinez</u>	<u>Claim 1</u>
Vaso-occlusive device 10	in-vivo indwelling device
Coupling element 16	coil separating member
Helical outer element 13	coil main body
Intermediate element 12	stretch suppressing member

The Examiner states that the intermediate element (stretch suppressing member) 12 is provided on the inner periphery of the helical outer element (coil main body) 13, and has a smaller diameter than the coil diameter of the helical outer element (coil main body) 13. The Examiner further cites [0039] as disclosing a coil diameter of 0.25 mm, meeting the limitation of

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claim 3, as well as the limitation of claim 5. The Examiner cites [0022] as disclosing the rod-like shape limitation of claim 4.

However, Applicant submits that Martinez does not disclose the rod-like shape limitation, which is now incorporated into claim 1. Applicant believes that the Examiner may misunderstand the shape of the intermediate element 12 of Martinez. Martinez discloses that the intermediate element 12 may be formed as a coating, wrapping, tubular sleeve, or a cylinder. However the present invention discloses a rod-like shape different from those of Martinez.

Outward swelling is required more than inward swelling into the inner portion of the intermediate element 12 in order that the intermediate element 12 penetrates into wires of close-wound distal end section 15 of Martinez (corresponding to coil main body 10 of the present invention) which covers the intermediate element 12, because the intermediate element 12 is formed as a coating, wrapping, tubular sleeve, or a cylinder. Accordingly, in Martinez, the inner element 11 is required inside the intermediate element 12 so as to prevent the above-mentioned inward swelling.

Accordingly, the claims, as amended, are not anticipated by Martinez.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (US Pub. No. 2004/0098028) as applied to claim 3 above, and further in view of Wallace et al (US Pub. No. 2002/0151926). (Office action paragraph no. 8)

Reconsideration of the rejection is respectfully requested in view of the amendment to base claim 1. As discussed above, Martinez does not disclose or suggest the shape of the stretch

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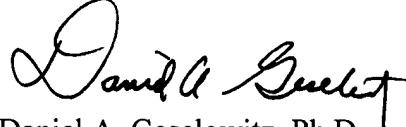
suppressing member in the amended claim. Wallace also does not suggest this shape, and claim 3 is not obvious over Martinez and Wallace et al., taken separately or in combination.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicants
Reg. No. 42,573

DAG/xl

Atty. Docket No. **090358**
4th Floor
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



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Enclosures: Replacement Sheet of Drawing (Fig. 3)
Annotated Sheet of Drawing (Fig. 3)